



**Entered on Docket  
November 01, 2007**

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**Hon. Linda B. Riegle  
United States Bankruptcy Judge**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

## USA COMMERCIAL MORTGAGE COMPANY,

## USA CAPITAL REALTY ADVISORS, LLC,

**USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC.**

**USA CAPITAL FIRST TRUST DEED  
FUND, LLC.**

USA SECURITIES, LLC,  
Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

Date of Hearing: October 15, 2007  
Time of Hearing: 9:30 a.m.

### Affects:

- All Debtors
  - USA Commercial Mortgage Company
  - USA Capital Realty Advisors, LLC
  - USA Capital Diversified Trust Deed Fund, LLC
  - USA Capital First Trust Deed Fund, LLC
  - USA Securities, LLC

1           **ORDER SUSTAINING THE USACM LIQUIDATING TRUST'S OBJECTION TO**  
2           **CLAIM NO. 10725-00445 FILED BY THE BOBBIE MARRS IRA AS**  
3           **IMPROPERLY ASSERTING PRIORITY STATUS**

4           The Bobbie Marrs IRA filed Proof of Claim No. 10725-00445, which asserted a  
5 priority claim against USA Commercial Mortgage Company (“USACM”).

6           The USACM Liquidating Trust (the “USACM Trust”) filed its an Second  
7 Objection to Claims Asserting Priority Status [DE 3259] (the “Objection”), which  
8 challenged the Bobbie Marrs IRA’s assertion of priority status and sought to have the  
Court reclassify Proof of Claim No(s). 10725-00445 as a general unsecured claim.

9           The Bobbie Marrs IRA sent an informal response to Counsel for the USACM Trust,  
10 which opposed the Objection.

11           The USACM Trust filed its Motion for Summary Judgment Regarding (1)  
12 Responses to the USACM Trust’s First Through Thirty-Third Omnibus Objections to  
13 Claims Asserting a Secured Status; (2) Responses to USACM Trust’s First through Third  
14 Omnibus Objections to Claims Asserting a Priority Status; and (3) Newly Alleged Secured  
15 and Priority Claims (the “Motion”) [DE 4291]. The Motion sought summary judgment on  
16 the Objection and asked that the Court sustain the Objection.

17           The USACM Trust provided the Bobbie Marrs IRA with proper notice of the  
18 Motion.

19           The Bobbie Marrs IRA did not respond to the Motion.

20           At a hearing on October 15, 2007, the Motion came before the Court. Bobbie  
21 Marrs IRA did not appear at the hearing to contest the Motion.

22           Based upon the foregoing and good cause appearing,

23           **IT IS HEREBY ORDERED:**

24           1.       Granting the Motion [DE 4291] as it relates to Proof of Claim No(s). 10725-  
25 00445 filed by the Bobbie Marrs IRA;

2. Sustaining the Second Omnibus Objection to Claims Asserting Priority Status [DE 3259] as it relates to Proof of Claim No. 10725-00445 filed by the Bobbie Marrs IRA; and

3. Reclassifying Proof of Claim No. 10725-00445 filed by Bobbie Marrs IRA as a general unsecured claim subject to further objection by the USACM Liquidating Trust.

# # #

**PREPARED AND SUBMITTED:**

## **LEWIS AND ROCA LLP**

By: /s/ RC (#0006593)

Susan M. Freeman (pro hac vice)  
Rob Charles  
John Hinderaker (pro hac vice)  
*Attorneys for USACM Liquidating Trust*

1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

- 3      The Court waived the requirements of LR 9021.
- 4      I have delivered a copy of this proposed order to all counsel who appeared at the  
5 hearing, any unrepresented parties who appeared at the hearing, and any trustee  
6 appointed in this case, and each has approved or disapproved the order, or failed  
7 to respond, as indicated below:
- 8      approved the form of this order;
- 9          waived the right to review the order;
- 10          failed to file and serve papers in accordance with LR 9021(c); and/or
- 11          failed to sign and return this proposed order within five (5) business days  
12 in accordance with LR 9021(b).
- 13      I have delivered a copy of this proposed order to all attorneys and unrepresented  
14 parties who appeared at the hearing regarding this matter and/or who filed a  
15 written objection and all have either approved the form of this order, waived the  
16 right to review the order, failed to file and serve papers in accordance with LR  
17 9021(c) and the following have disapproved the form of the order.
- 18      No opposition was filed and no other party or counsel appeared at the hearing.

19 **LEWIS AND ROCA LLP**

20 By: /s/ RC (#0006593)

21 Susan M. Freeman

22 Rob Charles

23 *Attorneys for USACM Liquidating Trust*

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